

# Measurement Regulations and Reporting (SB 88) / Telemetry FAQ

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**A. General Information: Senate Bill (SB) 88, Measurement Regulations and Reporting**

**What is Senate Bill 88 and which water diverters need to comply with the measurement regulations?**

Any person(s) or water diverter(s) mentioned in the table below is required to properly install and maintain a measuring device or employ an alternative measurement method capable of measuring diversions of water. Any water diverter who is authorized to directly divert water shall determine via a measuring device the rate of diversion and the total volume of water diverted within a calendar year. Any water diverter who is authorized to store and collect water shall determine via a measuring device the rate of collections to storage, the rate of withdrawal or release from storage, and the total volume of water diverted or collected to storage. You may visit our [webpage](#) for more information about water measurement requirements.

Field-test Certifications	Installation Deadline	Required Accuracy	Required Monitoring Frequency <sup>1</sup>	Qualifications for Installation and Certification
Direct Diversion ≥ 1,000 AF/yr or Storage ≥ 1000 AF	January 1, 2017	±10% <small>(15% if installed before 1/1/2016)</small>	Hourly	<a href="#">Who is a “Qualified Individual”?</a>
Direct Diversion ≥ 100 AF/yr or Storage ≥ 200 AF	July 1, 2017	±10% <small>(15% if installed before 1/1/2016)</small>	Daily	
Storage ≥ 100 AF	July 1, 2017	±10%	Weekly	
Direct Diversion > 10 AF/yr Storage ≥ 50 AF	January 1, 2018	±15%	Weekly	
Storage > 10 AF	January 1, 2018	±15%	Monthly	
Laboratory Certifications (All Laboratory Certified Devices)	Installed after January 1, 2016	±5%	As noted above	
All diversions less than < 10 AF	No measurement required (exceptions are listed below)			
<p>1-Exceptions to this table are listed below. This guide does not replace existing permit or license terms that establish additional monitoring requirements.</p> <p><b>Northern California Coastal Streams</b> – Hourly monitoring is required for all new permits in the AB 2121 area as designated in Section 10 of the “<i>Policy for Maintaining Instream Flow in Northern California Coastal Stream</i>”.</p> <p><b>Cannabis Registrations</b> – Daily monitoring is required for all cannabis diverters as designated in Attachment A of the <i>Cannabis Cultivation Policy</i>.</p> <p><b>Water Master Service &amp; Adjudicated areas</b> – To learn about reporting requirements in these areas, visit the Online Reporting webpage.</p>				

**If I am subject to SB 88:**

1. When do I need to install my measuring device?
2. Am I qualified to install my own measuring device(s), or do I need to consult a professional for installation?
3. How accurate does the measuring device need to be?
4. How frequent do I need to monitor and record measurements?

Answers to these questions can be found on our [water measurement webpage](#) along with additional information.

**B. Measurement Devices****How can I obtain a list of vendors and suppliers of water measurement devices and equipment?**

Any device that can meet the volume accuracy requirements is acceptable. The following link will provide you with a sample list of vendors and suppliers of water measurement devices and equipment:

[https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/diversion\\_use/wm\\_vendors.html](https://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/wm_vendors.html)

**Who can I contact to install a measuring device?**

You can hire a qualified individual or choose to attend a training course to “self-qualify”. The following link will provide you with a sample list of firms that provide services concerning water law or water right consulting:

[https://www.waterboards.ca.gov/waterrights/board\\_info/docs/consultantslist.pdf](https://www.waterboards.ca.gov/waterrights/board_info/docs/consultantslist.pdf)

**The Board requires metering devices to be “certified” by April 1, 2017, and every five years after. Does a brand-new meter have to be “certified” before use?**

Yes. Any initial measuring device or new measuring device that replaces an old one, shall be certified. New flowmeters come from the manufacturer with documentation that certify the devices accuracy. The regulation requires diverters to submit documentation or other report of water measuring device to the Board within 30 days of installation/calibration. This can be achieved by filing an amended annual water diversion and use report, for the reporting year the measuring device was installed, via the Report Management System (RMS) website located at the following link:

<https://rms.waterboards.ca.gov/login.aspx>

**How and where do I report meter certification?**

A diverter / reporter may submit and upload flowmeter certification documentation in the measurement device section of the annual report via [Report Management System](#).

**How can the accuracy percentage of a staff gage, for example, be calculated?**

The percent accuracy by volume is calculated from the [depth-capacity curve](#). The staff gage has a certain precision, which when applied to the curve, yields a volume accuracy for the amount diverted. A “qualified individual” can assess the impact of these factors (and others) on the accuracy of the measurement device.

**How do I properly install and certify a staff gage for my reservoir?**

The initial calibration of a staff gage or pressure transducer happens primarily during its installation. To properly install / calibrate a staff gage, you must ensure that the base of the staff plate or transducer is fixed to a permanent location such that:

1. The base of the gage will not move or sink relative to the reservoir;
2. The bottom/base of the staff gage or pressure transducer must always be submerged.

**How do I measure the water in my reservoir?**

A graduated staff gage is the most common method of measuring depth of collected water in your pond (or reservoir). Once you measure the depth from your gage or transducer, you can then determine the volume of stored water using a [depth-capacity curve](#) if your reservoir has been surveyed.

The second most common method to measure the depth of water in a reservoir is by using a pressure transducer. A pressure transducer should be permanently installed at the bottom, or at the lowest water level elevation of the reservoir to determine the water level most accurately. Pressure transducers are expected to replace many staff gages in the future due to their convenience in recording data automatically.

**What is a depth-capacity curve and how do I use it?**

A [depth-capacity curve](#) is a type of graph expressing the relationship between the depth of a reservoir and the volume. The graph is useful for determining the volume of water collected in a reservoir with a given depth. An example of how to read a depth-capacity curve is posted on our website at: [https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/measurement\\_regulation/docs/water\\_measurement/res.pdf](https://www.waterboards.ca.gov/waterrights/water_issues/programs/measurement_regulation/docs/water_measurement/res.pdf)

**Do I need to measure the entire year or just during my diversion season?**

All water diverters are required to measure diversions during the entire year. Diverters who have a limited diversion season within a calendar year must ensure that no diversions exist outside the diversion season and can determine this via a measuring device.

**My reservoir is snow-covered half the time out of the year, how am I supposed to measure water diversions?**

You should note in the comment section of the annual report the first and last available measurement dates before and after the winter thaws. A diverter / reporter can consult with a [“qualified individual”](#) to help develop and implement a measurement method or alternative compliance plan for a reservoir exposed to frequent severe weather such as snow.

**Do I need to submit measurement methods if my water right diversions are covered under multiple / shared points of diversion (PODs)?**

If multiple rights share a POD, diverters must report and upload a measurement method to describe how to disaggregate the shared POD data. It is the responsibility of the diverter / reporter to select the same Device ID while reporting. For more information visit our website at: [https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/diversion\\_us/e/water\\_measurement.html#meas\\_methods](https://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_us/e/water_measurement.html#meas_methods)

**Are there any upcoming measurement training classes?**

Any diverter will be considered “qualified” to properly install and maintain a measuring device after completing a course taught by the University of California Extension. The following link will provide you with upcoming dates and locations of AB 589 training workshops: <https://ucanr.edu/sites/AB589>

**What if there was a period during my diversion season when my measuring device was not functioning properly due to vegetation, animals, weather, or any other natural occurrences?**

Any missing data or measurements known to be incorrect should be flagged as missing rather than have diverters/reporters estimate missing values. In this case, diverters will then be required to properly reinstall a new or repair the existing measuring device by a “qualified individual” and be sure to meet the accuracy requirements for the device.

**What will happen if I am subject to SB 88 and I am either late in installing or never install or certify a measuring device?**

Failure to meet measurement requirements is a violation and may be subject to civil liability of up to \$500 per day. If water diversions subject to SB 88 are not being measured by a certified measuring device, they may be subject to enforcement action.

**C. Registering a Measuring Device**

**How do I comply with the requirement to report my measuring device?**

You can report your measuring device on the Water Right Form and Survey Submittal Portal located at the following website under the “Measuring Device/Measurement Method Information” section:

<https://public.waterboards.ca.gov/WRInfo/>

**D. Record Keeping and Reporting**

**I have collected measurement data; what do I do with it?**

The measurement regulations require that diverters submit their measured data to the Board when filing their annual report of water diversion and use via the Report Management System (RMS) found at the following link:

<https://rms.waterboards.ca.gov/login.aspx>

Please note that diverters are also required to keep records of the measured data for at least 10 years.

**Will the diversion information (i.e., volume and flow) be available to the public for all diverters, including small diversions?**

Monthly diversions information for all reporting diverters is available online from our public [water rights database](#) and/or from the Division of Water Rights record room. Open records are a necessity for transparent administration of the water diversion and use priority system.

**How many times can I amend my report?**

There is no hard cap on the number of times that a report may be amended. However, since there are prohibitions against knowingly submitting false or fraudulent information, each amendment would be expected to make the data more accurate. Therefore, the number of times a report could be amended would theoretically be constrained only by the number of amendments it takes to make the data “perfectly” accurate.

**I am trying to report my measurement data, but I forgot my password or the one I have is invalid; how can I get the correct password?**

Use the Water Right Reporting Identifier (RI) for your water right. The RI can be found on the notice sent to you by the Board. Please note that the password or RI is case sensitive (i.e., capital and lowercase letters are differentiated). RIs can be located by Water Board staff who can be reached at the water rights hotline at (916) 341-5300.

**How can I file and report my water diversions when the Board doesn't send me any paper form to fill out and complete?**

There is no longer an option to file paper reports. By requiring online reporting, the Board can meet legislative requirements to report overall water use.

**How can I file and report my water diversions when I don't have a computer to file online?**

The following are a few options available for diverters / reporters who do not own a computer or have internet access:

1. Family, friends, or neighbors who do have computers;
2. Libraries or schools in the community that have public computers;
3. Local Farm Bureau or other public agency that may offer education or assistance.

Please note that the diverter does not necessarily need to file the report themselves; the diversion data may be reported by anyone designated to file on a diverter's behalf such as a representative or agent.

**E. Telemetry**

**What does the Board mean by Telemetry and who is subject to telemetry requirements?**

Telemetry is the remote recording and transmittal of measurement data. Telemetry requires water diverters by January 1, 2020, to post water diversion data via data loggers and/or real-time web posting. The following types of diversion(s) are subject to telemetry requirements:

1. Direct diversions over 10,000 AFA,
2. Storage of over 10,000 acre-feet,
3. Direct diversions > 30 cubic feet per second (cfs) between June 1<sup>st</sup> and September 30<sup>th</sup>, or
4. Direct diversions > 20 percent of streamflow in certain protected fish streams.

**Are telemetry requirements attached to water rights or points of diversion (PODs)?**

Telemetry requirements apply only to individual PODs currently active and diverting water.

**What if I'm diverting and reporting less than the telemetry threshold, but the Face Value of my right exceeds the telemetry threshold?**

Telemetry requirements appear to apply. A diverter may relinquish part of a water right through abandonment and appropriately adjust the water right's face value. This can be achieved by the diverter requesting a partial revocation using the [Request for Revocation of Water Right](#) form. Once a partial revocation is completed and submitted to the Division of Water Rights, diverters will then not be subject to telemetry requirements.

**Am I subject to the telemetry requirements if I divert more than 10,000 AFA under my water right via multiple individual points of diversion (PODs) – each POD diverting less than 10,000 AFA?**

As stated before, telemetry requirements are attached to individual PODs. Diverters are not subject to telemetry requirements if each individual POD does not divert more than 10,000 AFA, 30 cfs between the months of June to September, or 20 percent of streamflow in protected fish streams.

**Am I subject to the telemetry requirements if I divert under one water right with multiple points of diversion (PODs) in close proximity of one another that may act as one large POD that collectively diverts in exceedance of the telemetry threshold?**

Truly separate PODs are considered separate. If each POD does not divert an amount exceeding the telemetry threshold, a diverter will not be subject to the telemetry requirements.

**I want to claim exemption from telemetry requirements, but I may or may not be on an extension-of-time; when do I need to submit data to support my claim?**

**1. I received an extension-of-time and I responded to the Board’s reminder letter:**

The Board requests that diverters provide documentation to support their claim of a telemetry exemption (e.g., disaggregate diversions reported under the diverter’s water right into multiple PODs under that right). If the exemption involves overlapping water rights, e.g., if multiple rights holders share a point of diversion (POD) and if diverters decide to report diversion amounts under more senior rights held by other water right holders, written agreements on the reporting and shared PODs should be provided to support their exemption claim.

**2. I received an extension-of-time and I did not respond to the Board’s reminder letter:**

If a diverter requested an extension-of-time (accepted by the Board) but did not respond to the reminder letter, the Board may begin investigating compliance as soon as January 1, 2020.

**3. I did not receive an extension-of-time:**

Diverters/reporters are required to submit diversion data every year (for the previous years’ data). You have until April 1 or July 1 of each year to submit measurement data from the previous calendar year. This data will determine if each POD diverts less than the telemetry threshold.

**Am I subject to the telemetry requirements if erroneous diversion amounts were reported by the previous water right holder which triggered the telemetry requirement?**

If a current water right holder believes the previous diverter misreported, the Board may request that the new water right holder amend and correct previous reports as far back as 2016. Note: if a current water right holder amends a previous report,



said current holder then assumes all diversions and reporting responsibilities for that specific reporting year.

**My water diversions are subject to the telemetry requirements, but I am in an area without cellular network reception, how can I submit telemetry data?**

There are several manufacturers or vendors that offer reliable satellite remote monitoring services for water diversions. A link to suppliers of measuring devices, including satellite telemetry, can be found on our [water measurement webpage](#). You may also choose to conduct a web search under “telemetry services” to find additional vendors.

In severe cases or if the above vendors are unable to help, the diverter / reporter can develop and implement an alternative compliance plan. The standards for what are considered truly infeasible are likely to change as technological solutions are developed over time.

**F. Contact / Help**

**Does the Board have a support telephone number for diverters who may have questions regarding SB 88 and/or telemetry?**

Yes, and the number to call for help depends on the right:

1. *Permits / licenses*: (916) 323-9393
2. *Statements of water diversion and use*: (916) 445-2812
3. *Groundwater recordation*: (916) 319-0805

**Does the Board have a help center on how to report my water diversions?**

Yes, the Board has a help center website dedicated to reporting that can be accessed at the following link:

[https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/ewrims/help.html](https://www.waterboards.ca.gov/waterrights/water_issues/programs/ewrims/help.html)

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